

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**ANDREA BARRETT**

**CRIMINAL CASE NO.  
1:17-cr-00386-SCJ**

**ORDER**

This matter is before the Court for consideration of the Report and Recommendation (“R&R”) (Doc. No. [91]), in which The Honorable Russell G. Vineyard, United States Magistrate Judge, recommended that Defendant Andrea Barrett’s (“Barrett”) Motion to Sever Parties (Doc. No. [48]) be denied.

The Court incorporates the magistrate’s facts and legal standards by reference. As stated in the R&R, Barrett is charged in a thirty-two-count indictment, along with three other co-defendants, with conspiracy to commit healthcare fraud, in violation of 18 U.S.C. § 1349; healthcare fraud, in violation of 18 U.S.C. § 1347; and aggravated identity theft, in violation of 18 U.S.C. § 1028A. Doc. No. [91], p. 1. On March 6, 2018, Barrett filed a Motion to Sever

Parties, in which she asserts that she cannot be tried with co-defendant Matthew Harrell (“Harrell”) “because they possess ‘mutually antagonistic’ defenses that would make it impossible for both of them to receive a fair trial, if they are tried together.” Doc. No. [48], pp. 3–5. Following the conclusion of briefing (Doc. Nos. [74]; [77]), the magistrate allowed Barrett’s counsel to make an *ex parte* presentation in support of her motion. See Doc. Nos. [80]; [82]. On September 19, 2018, the magistrate entered an R&R which recommended that the motion be denied. Doc. No. [91]. Pursuant to 28 U.S.C. § 636(b)(1), Barrett timely filed objections to the R&R. Doc. No. [97].

When such objections are filed, the Court must “make a de novo determination of those portions of the report of specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). After conducting this review, the Court “may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.” Id. Additionally, the Court may “receive further evidence or recommit the matter to the magistrate judge with instructions.” Id.

The Court has carefully reviewed the transcripts of the *ex parte* presentation before the magistrate (Doc. Nos. [80]; [82]), as well as the briefing.

Having reviewed the record, the Court concludes that the R&R is correct in law and fact – and is accepted by this Court. See Griffin v. GMAC, Civil Case No. 1:05-cv-0199-WBH, 2008 WL 11334068, at \*1 (N.D. Ga. Mar. 5, 2008).

Accordingly, this Court hereby **ADOPTS** the magistrate’s R&R (Doc. No. [91]) as the Order of the Court. Barrett’s objections to the R&R (Doc. No. [97]) are hereby **OVERRULED**. Barrett’s Motion to Sever Parties (Doc. No. [48]) is **DENIED**.

**IT IS SO ORDERED** this 26<sup>th</sup> day of April, 2019.

s/Steve C. Jones  
**HONORABLE STEVE C. JONES**  
**UNITED STATES DISTRICT JUDGE**